IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Appeal No.194 of 1993

Decided on: November 16, 2007

State of H.P. **…Appellant**

Versus

Rameshwar Dass and another **…Respondents**

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

The Hon'ble Mr. Justice Surinder Singh, Judge.

Whether approved for reporting?

For the appellant : Mr. Som Dutt Vasudeva, Additional Advocate General.

For the respondents : Mr. Jagdish Vats, Advocate.

Surjit Singh, Judge (oral)

Heard and gone through the record.

2. Respondents were sent up for trial for allegedly misappropriating food-grains worth Rs.2,69,000/-, while working as Inspector/sub Inspector, Cooperative Societies, at Chirgaon. The allegation was that food-grains had been entrusted to them, but they did not account for the same, which implied that the same had been misappropriated by them.

3. Trial court after recording the statements of thirty one witnesses produced by the prosecution, acquitted the respondents, vide impugned judgment. A perusal of the judgment shows that the matter has been dealt with by the trial Court in a very cursory, casual and cryptic manner. Even the facts are not clear from the judgment of the trial Court. It has not even touched, leave alone analyzing, the evidence of the

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Whether reporters of the local papers may be allowed to see the judgment?

witnesses other than PW-21 Dev Raj, the Auditor, who conducted the audit and detected the misappropriation. The judgment is thus no judgment in the eyes of law. Consequently, the appeal is accepted and the impugned judgment is set-aside. The case is remanded to the trial Court with the direction to decide the same afresh after taking into account the entire evidence adduced by the prosecution, in accordance with law. Parties are directed to appear before the trial Court on 28.12.2007. Record of the case, with a copy of this judgment, be returned to the trial Court immediately.

(Surjit Singh), J

November 16, 2007(ss) **(Surinder Singh), J**